

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 135C.14 and 135C.36, the Department of Inspections and Appeals hereby gives Notice of Intended Action to amend Chapter 58, “Nursing Facilities,” Iowa Administrative Code.

The proposed amendment makes technical changes to clarify the rule related to the appointment of a provisional administrator at a nursing facility when the facility has, through no fault of its own, lost its administrator and has been unable to replace the administrator.

The Department does not believe that the proposed amendment imposes any financial hardship on any regulated entity, body, or individual.

The proposed amendment was initially reviewed by the State Board of Health at its March 11, 2015, meeting.

Any interested person may make written suggestions or comments on the proposed amendment on or before April 21, 2015. Such written materials should be addressed to the Director, Department of Inspections and Appeals, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319-0083; faxed to (515)242-6863; or e-mailed to david.werning@dia.iowa.gov.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code sections 135C.14 and 135C.36.

The following amendment is proposed.

Amend subrule 58.8(4) as follows:

58.8(4) A provisional administrator may be appointed on a temporary basis by the nursing facility licensee to assume the administrative duties when the facility, through no fault of its own, has lost its administrator and has been unable to replace the administrator, ~~provided that no~~

~~a. No facility licensed under Iowa Code chapter 135C shall be permitted to have a provisional administrator for more than 12 consecutive months in any 12-month period and further provided that:~~

~~a. b. The facility shall notify the department has been notified prior to the date in writing within ten business days of the administrator’s appointment; The written notice shall include the estimated time frame for the appointment of the provisional administrator and the reason for the appointment of a provisional administrator. (III)~~

~~b. The board of examiners for nursing home administrators has approved the administrator’s appointment and has confirmed such appointment in writing to the department. (III)~~

~~c. The provisional administrator’s appointment must be approved by the board of examiners for nursing home administrators. The approval shall be confirmed in writing to the department. (III)~~